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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

INCREDIBLE AUTO SALES, LLC,)	Bankruptcy No. 06-60855-RBK
)	
Debtor.)	<u>AMENDED</u>
)	<u>MOTION FOR RULE 2004</u>
)	<u>EXAMINATION</u>
)	

Pursuant to F.R.B.P. 2004, the undersigned respectfully requests the Court to order an examination as follows:

1. Witness to be examined: Nick Gutierrez
2. Date: December 20, 2006
3. Time: 9:00 a.m.
4. Place: Holland & Hart, LLP
401 North 31st Street, Suite 1500,
Billings, MT 59101
5. Scope of examination:
 - A. Operations, ownership, assets, liabilities, and finances of the Debtor.
 - B. Lien payoffs on trade-in vehicles.
 - C. Post-Petition transactions between the Debtor and Incredible Chevrolet.

- D. Documentation of vehicle sales, including deal jackets and funding information.
 - E. Documentation of Debtor's vehicle flooring through Hyundai Motor Finance Company and through any other lender since January 1, 2006.
6. Documents to be produced:
- A. All documents related to Debtor's purchase of vehicles floored by Hyundai Motor Finance Company since January 1, 2006.
 - B. All documents related to lien payoffs on trade-in vehicles.
 - C. All documents related Post-Petition transactions between the Debtor and Incredible Chevrolet.
 - D. All documents related to ownership of Debtor and Incredible Chevrolet and related to transfer of ownership interests since January 1, 2006.
 - E. All documents related to purchases of those vehicles from the auto auctions that are the subject of the pending adversary proceedings.
7. Time, Date and Place of Production (if different from examination): same as examination
8. Movant's Calculation of Mileage pursuant to F.R.B.P. 2004(e): 5 miles at 44½ cents per mile.
9. The undersigned has contacted Debtor's counsel, Clarke Rice and Bill Needler, who advised that they do not oppose this Motion and do not object to Mr. Gutierrez producing the documents described herein without a subpoena duces tecum pursuant to F.R.B.P. 9016.

Dated this 13th day of December, 2006.

/s/ Shane P. Coleman
Shane P. Coleman
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Attorneys for Hyundai Motor Finance Co.

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 13th day of December, 2006, a copy of this motion was served upon counsel of record by the following method:

1, 2, 3, 4, 5,
6, 7, 8, 9,
10 & 11

CM/ECF

_____ Hand Delivery

_____ Mail

_____ Overnight Delivery Service

_____ Fax

_____ E-Mail

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